

Frequently Asked Questions (FAQ) Sheet
Davis #240
Drainage Improvement Project

1. What does this notice pertain to?

This notice is for the Final Hearing of the Davis #240 Drainage Improvement Project. The 1st Hearing on the project was held September 3, 2020. At that hearing, the County Commissioners approved the project to move forward to the development of engineering plans, cost estimates, and a schedule of assessments to the benefiting properties. These items will be under consideration at this Final Hearing.

2. Why is there a petition for this project?

Drainage infrastructure within Ohio is the responsibility of private landowners. The drainage petition process, authorized by Chapter 6131 of the Ohio Revised Code, allows landowners to request Delaware County to construct and maintain drainage improvements on private property. In the absence of a drainage petition project, the construction and maintenance of drainage infrastructure remain the responsibility of private landowners.

3. How are drainage petition projects paid for?

The costs are covered by special assessments to the properties that are within the watershed, or benefit area, of the project. Petition projects are entirely landowner-driven and landowner-funded. Public entities that own rights-of-way, schools, utilities, churches, etc. that own land within the watershed are also treated as landowners and assessed. The petition process then allows Delaware County to expend these funds to construct and maintain the improvements.

4. Why isn't the County paying for this?

Counties and other units of local government are prohibited by the State of Ohio to expend funds on projects to improve drainage on private properties. The County and other units of local government are also not permitted right of access to private properties for the purpose of constructing a project. Ohio Revised Code Sec. 6131 is the only mechanism that permits both expenditure of funds and right of access to the County for a drainage improvement project on private properties.

5. Why am I receiving this notice?

The Ohio Revised Code (state law) considers all landowners within the watershed, or drainage area, of a project as *benefitting* from the improvement. Essentially the law equates benefit to use. If you are receiving the mailing, a property owned by you is located within the watershed for the Davis #240 drainage system and benefits from the drainage capacity provided by the system.

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6. Is this a bill?

No. The estimated assessment amount shown on your notice is the maximum amount that would be assessed to you for construction IF the County Commissioners approve the project. If the project is approved, you will have thirty days from the date of the Final Hearing to pay the assessment to the County Commissioners in full. If you choose not to pay the assessment within thirty days, it will be placed on your real estate taxes as a special assessment for a period of time to be determined by the Commissioners not to exceed fifteen years.

7. Why is the assessment divided into different parts?

The project, as requested by the petition, includes proposals for several sub-watersheds, or smaller drainage areas, in addition to the Main, which has also been divided into two sections. The assessments have been constructed to reflect the actual benefiting properties to each specific sub-watershed. If your letter does not show an assessment for a section, your property does not contribute drainage to that section and thus has no benefit from it.

8. What will happen at the Final Hearing?

The County Engineer and Soil and Water Conservation District will make a short presentation explaining the proposed project. The Commissioners will then hear testimony from any benefiting landowners who wish to speak. After all testimony has been heard, the Commissioners may choose to make a decision on the project, or they may choose to recess to further consider their decision. The Ohio Revised Code instructs the Commissioners to base their decision on three factors: (1) is the project necessary; (2) is the project conducive to the public welfare; and (3) are the costs of the proposed improvement less than the benefits to be derived?

9. What happens after the Final Hearing?

If the County Commissioners deny the petition, the project does not move forward to construction. The Commissioners may choose to assess the costs for administration and engineering to the benefiting landowners in the same ratio as presented in the estimated schedule of assessments. If the Commissioners approve the petition in whole or in part, the County Engineer moves forward to competitive bid for construction. By law, a bid for construction may not exceed the Engineer's estimate. If the project is constructed for less than estimated, the final schedule of assessments is reduced pro rata, and refunds are made to those who paid upfront. If the Commissioners choose to approve some parts of the petition, and deny others, there would be no construction assessment to the denied laterals; however, the Commissioners may still choose to apply an assessment to denied laterals for administrative costs.

10. What work is to be performed if the petition is improved?

Work will include but not necessarily be limited to the following: surface grade reconstruction, replacement of subsurface drain pipe and installation of new subsurface drain pipe, placement of erosion control measures, and open channel construction.

11. Is the construction assessment the only cost for the project?

No. By law, all completed projects are placed on the Delaware County Drainage Maintenance Program and maintained in perpetuity. Special assessments for maintenance are calculated as a percentage of the final construction assessment and typically range from 2-5% of the construction assessment. A \$100 construction assessment would therefore be charged \$5 annually for a 5% maintenance assessment.

12. How can I find more information?

Please visit the Soil & Water Conservation District's website, <https://soilandwater.co.delaware.oh.us/drainage-petition-projects/>, or call their office at 740-368-1921 and ask to speak to someone regarding the Davis #240 drainage petition project.